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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT
DIVISION FOUR

THE PEOPLE,

Plaintiff and Respondent,

v.

JESSIE N. DELGADO,

Defendant and Appellant.

A107522

(Marin County
Super. Ct. No. 133098)

Defendant Jessie Delgado was charged with residential burglary (Pen. Code, § 459)¹ and auto burglary (§ 459) with allegations that the residential burglary was a serious felony (§§ 1170.12, subds. (a)-(c), 1192.7, subd. (c)(18)) and that defendant was ineligible for probation (§§ 462, subd. (a), 1203, subds. (e)(4), (k)). A jury found him guilty of the substantive charges and in bifurcated proceedings² the trial court found the allegations to be true. The court sentenced defendant to an aggregate prison term of four years and eight months, consisting of the middle term of four years for the residential burglary, plus a consecutive term of eight months (one-third of the middle term of 24 months) for the auto burglary.³ (See § 1170.1, subd. (a).)

Defendant's attorney on appeal filed an opening brief arguing no issues and asking this court to independently review the record pursuant to *People v. Wende* (1979) 25

¹ All further section references are to the Penal Code unless otherwise specified.

² Defendant waived the right to jury trial on the allegations.

³ The court found that consecutive terms were appropriate because defendant harbored separate criminal objectives in burglarizing the automobile and the residence. (Cal. Rules of Court, rule 4.425; see also § 654.)

Cal.3d 436. We have carefully reviewed the record and conclude that there are no arguable issues.

The evidence adduced at trial established that defendant broke into an automobile owned by Denise Bass and stole a gym bag belonging to Carol Bottoms, which contained Bottoms's house keys, address book, cell phone, and other items. Defendant used the house keys to enter Bottoms's home, where he stole cash and jewelry belonging to Bottoms and her husband. Defendant's fingerprints were found on jewelry boxes and furniture at the Bottomses' residence. Police linked defendant to a telephone call made from Bottoms's cell phone shortly after it was stolen.

Appellant was represented by counsel throughout the proceedings.⁴ The evidence was sufficient to support the jury's verdict. There was no sentencing error and the record does not disclose any prejudicial error. The judgment is affirmed.

Sepulveda, J.

We concur:

Kay, P.J.

Reardon, J.

⁴ We have found no error arising from defendant's motions filed pursuant to *People v. Marsden* (1970) 2 Cal.3d 118 and *Faretta v. California* (1975) 422 U.S. 806.